

## **REMARKS/ARGUMENTS**

Applicant thanks the Examiner for acknowledging the claim for foreign priority under 35 U.S.C. § 119 and noting that the priority documents have been received.

Applicant also thanks the Examiner for considering and initialing the Information Disclosure Statements, and accepting the Drawings filed on April 14, 2004.

### **I. Status of Claims**

Claims 1-28 are currently pending in the application. This Response addresses each point of rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

### **II. Rejections of the Claims under 35 U.S.C. §102(e)**

Claims 1-9 and 17-24 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tomura, U.S. Patent No. 6,771,992. Applicant respectfully traverses this rejection.

“[A]n invention is anticipated if the same device, including all the claim limitations, is shown in a single prior art reference. Every element of the claimed invention must be literally present, arranged as in the claim. The identical invention must be shown in as complete detail as is contained in the patent claim.” MPEP § 2131.

Accordingly, Applicant respectfully requests reconsideration of the rejections because Tomura does not disclose, suggest, or anticipate each and every feature of the

claims. The instant claims recite the exemplary feature of “detect[ing] the position of the *rotating* key in a direction of *rotation*” and the exemplary feature of “selecting a menu according to the direction of *rotation*” when the *rotating* key is turned.

In other words, the rotating key, of an embodiment of the present invention, moves in a rotational direction around an axis or about a center in order to select a menu according to a direction of rotation as recited in independent claim 1.

The cited prior art, Tomura, merely teaches a portable telephone including a multi-function key-switch unit in which a key-top is operated in a plurality of directions. Tomura teaches that the key-top may move in four directions and that five operations can be performed by the key-top (see col. 7, line 33 - col. 8, line 6). The key-top, therefore, only moves in X1, X2, Y1, and Y2 directions. The operations that can be performed by the key-top include moving in the four directions discussed above, as well as pushing the key-top to select a menu item. Moreover, Tomura further teaches that the key-top does not rotate. In fact, Tomura discloses a mechanism for preventing the key-top from rotating about the axis line (see col. 3 lines 25-29; col. 12 lines 9-28).

Therefore, Tomura fails to anticipate recited claim feature of “detect[ing] the position of the rotating key in a direction of rotation”, and also fails to anticipate the recited claim feature of “when the rotating key is turned, selecting a menu according to the direction of rotation”.

Independent claim 17 contains substantially similar subject matter as independent claim 1 and dependent claims 2-9 and 18-24 are distinguished from

Tomura for at least the reasons given above by virtue of their dependence on independent claims 1 and 17, respectively.

Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejections of claims 1-9 and 17-24 under 35 U.S.C. § 102(e).

### **III. Rejections of Claims under 35 U.S.C. §103(a)**

Claims 10-14 and 25-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomura, in view of Arai, U.S. Patent Application Publication No. 2004/0218738).

Independent claims 10, 14 and 25 comprise similar subject matter to that of claim 1 and is therefore distinguished from Tomura for reasons similar to those given above. Moreover, with respect to independent claims 10, 14 and 25, secondary reference Arai also fails to disclose, teach, suggest, or render obvious the claimed feature of a rotating key. Arai merely teaches a telephone execution mode switch 531, which cannot be rotated about an axis.

Thus, the combination of Tomura and Arai fails to teach each limitation of claim 10, 14 and 25, or to even suggest each limitation. Nor would there be any apparent reason to combine Tomura and Arai. Therefore, Applicant respectfully submits that claim 10, 14, and 25 are patentable over the applied art.

Dependent claims 11-13 and 26-28 are distinguished from the cited references for at least the reasons given above by virtue of their dependence on independent claims 10 and 25, respectively.

Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejections of claims 10-14 and 25-28 under 35 U.S.C. § 103(a).

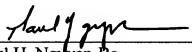
Claims 15 and 16 are rejected under 35 U.S.C § 103(a) as being unpatentable over Tomura, in view of Ritter, U.S. Patent No. 6,941,154.

However, claims 15 and 16 are distinguished from the cited references for at least the reasons given above regarding a rotating key. Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejections of claims 15 and 16 under 35 U.S.C. § 103(a).

#### **IV. Conclusion**

In view of the above, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully Submitted,

  
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